



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 4528-00

15 December 2000

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that her reenlistment code be changed.

2. The Board, consisting of Mr. Geisler, Ms. McCormick and Ms. Madison reviewed Petitioner's allegations of error and injustice on 12 December 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner enlisted in the Navy for four years on 5 January 1999 as an SN (E-3). The record reflects that on 28 January 1999 she was referred to the recruit evaluation unit for communication problems, depression and anxiety. The recruit mental health evaluation noted that she had undergone speech therapy all of her life and had experienced problems in keeping

up in training and communicating. The command evaluation documented fair performance and communications problems. The staff was concerned about her lack of communication skills and how that deficiency impacted on her performance. Petitioner was diagnosed with a depressive disorder, not otherwise specified, and a phonological disorder. An entry level separation was recommended.

d. Petitioner was notified that separation was being considered by reason of convenience of the government as evidenced by depressive and phonological disorders. She was advised of her procedural rights, declined to consult with legal counsel, and waived the right to have her case reviewed by the general court-martial convening authority. On 2 February 1999 the discharge authority directed an uncharacterized entry level separation. Petitioner was so discharged by reason of erroneous enlistment on 5 February 1999 and assigned an RE-4 reenlistment code.

e. Petitioner states that she brought many family problems with her to recruit training. A month prior to enlistment her aunt passed away, leaving her greatly depressed. This aunt served as a parental substitute since her own mother died in 1987. Petitioner provides an evaluation from a civilian psychologist which states he found no evidence of depression, and the stressors that precipitated her mental health evaluation and subsequent discharge from the Navy were no longer problematic. He also opined that her current mental and emotional status were consistent with the ability to function successfully in the military.

f. At enclosure (2), an advisory opinion from the Psychiatry Department, Naval Medical Center, Portsmouth, VA states that the additional stress put on Petitioner by the recent death of a close relative may have contributed to a temporary decline in her communication skills. Although she was not psychiatrically suitable for naval service at the time of her discharge, there is now sufficient evidence to justify changing her reenlistment code to allow her to reenlist since there is no evidence that she is currently unsuitable for military service.

g. Regulations authorize the assignment of an RE-3E or RE-4 reenlistment code to individuals separated by reason of erroneous enlistment. An RE-3E reenlistment code means that the individual is eligible for reenlistment except for the

disqualifying factors which led to discharge. An RE-4 reenlistment code means that the individual is ineligible for reenlistment without prior approval from the Commander, Navy Personnel Command.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board substantially concurs with the advisory opinion. The Board note that although Petitioner had a communication problem, she apparently had no discipline or performance problems in recruit training. The Board believes that assignment of an RE-4 reenlistment code was unduly harsh and she should not be denied an opportunity to reenlist at a future date if the disqualifying factors which led to her discharge no longer exist. Accordingly, the Board concludes that it would be appropriate and just to change her reenlistment code to RE-3E.

RECOMMENDATION:


a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, assigned on 5 February 1999, to RE-3E.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

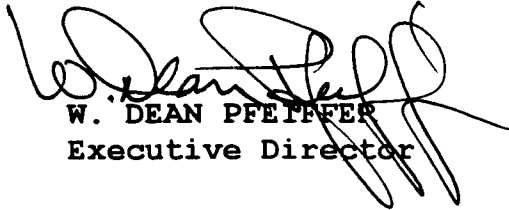
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director